

**In The Matter Of:**

*Stephen Keefe v.  
Local 805, ILA, AFL-CIO, et al.*

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*Brendan Lee  
Vol. 1, May 9, 2006*

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Volume I  
Pages 1 to 21  
Exhibits (None)  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
STEPHEN KEEFE, :  
Plaintiff, :  
vs. : Civil Action  
: No. 04-11340-DPW

LOCAL 805, INTERNATIONAL :  
LONGSHOREMEN'S ASSOCIATION, :  
AFL-CIO; LOCAL 800, :  
INTERNATIONAL LONGSHOREMEN'S :  
ASSOCIATION, AFL-CIO; and :  
LOCAL 798, INTERNATIONAL :  
LONGSHOREMEN'S ASSOCIATION, :  
AFL-CIO, :  
Defendants.

DEPOSITION OF BRENDAN LEE, a witness called  
on behalf of the Plaintiff, taken pursuant to the  
Federal Rules of Civil Procedure, before Valerie L.  
Shand-Salama, Professional Shorthand Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the Offices of Mullen & McGourty,  
52 Temple Place, Fourth Floor, Boston,  
Massachusetts, on Tuesday, May 9, 2006, commencing  
at 12:43 p.m.

PRESENT:

Scott A. Lathrop & Associates  
(By Scott A. Lathrop, Esq.)  
122 Old Ayer Road, Groton, MA 01450,  
for the Plaintiff.  
Mullen & McGourty  
(By Michael L. Mahoney, Esq.)  
52 Temple Place, Fourth Floor,  
Boston, MA 02111, for the Defendants.

PRESENT (Continued):  
Lennon Law Offices  
(By Michael T. Lennon, Esq.)  
15 Court Square, Suite 960, Boston,  
MA 02108, for the Deponent.  
ALSO PRESENT: Stephen Keefe

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WITNESS DIRECT CROSS  
BRENDAN LEE  
BY MR. LATHROP 5

PROCEEDINGS

[1] MR. LATHROP: What deposition stipulations  
[2] would you like?  
[3] MR. LENNON: Standard as long as they're on  
[4] the record. All objections, except to the form of  
[5] the question, and all motions to strike are reserved  
[6] until the time of trial. Waive notarization,  
[7] sealing, and filing. Thirty days to read and sign.  
[8] MR. MAHONEY: What about tax returns that  
[9] you've had a chance to view?  
[10] MR. LATHROP: We're going to ask questions  
[11] about them.  
[12] THE WITNESS: I also got my Social Security  
[13] yesterday.  
[14] MR. LENNON: Okay. Did we reach a  
[15] stipulation as far as compliance with the court  
[16] order?  
[17] MR. LATHROP: No. We're going to ask  
[18] questions.  
[19]  
[20]  
[21]  
[22]  
[23]  
[24]

BRENDAN LEE

[1] a witness called for examination by counsel for the  
[2] Plaintiff, having been satisfactorily identified by  
[3] the production of his driver's license and being  
[4] first duly sworn by the Notary Public, was examined  
[5] and testified as follows:

DIRECT EXAMINATION

BY MR. LATHROP:

[6] Q: Would you please state your full name and  
[7] address for the record, sir.  
[8] A: It's Brendan Lee, 152 Storrs Avenue in  
[9] Braintree, Massachusetts 02184.  
[10] Q: And what's your date of birth?  
[11] A: 10/12/67.  
[12] Q: Could you briefly describe your educational  
[13] background.  
[14] A: I graduated from Saint Brigid's, eighth  
[15] grade, went to BC High, went to U Miami in Florida,  
[16] went to UMass-Amherst, went to New England School of  
[17] Law.  
[18] Q: Did you graduate from --  
[19] A: Went to crane school, too. I'm sorry.  
[20] What was that?  
[21] Q: I interrupted you. I'm sorry. You

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[1] graduated from college?  
 [2] A: Yes.  
 [3] Q: Where did you graduate from?  
 [4] A: UMass-Amherst.  
 [5] Q: When?  
 [6] A: 1990.  
 [7] Q: And what was your degree in?  
 [8] A: Economics.  
 [9] Q: You graduated from New England School of  
 [10] Law?  
 [11] A: Yes.  
 [12] Q: When did you graduate from there?  
 [13] A: 1994.  
 [14] Q: Okay. Are you a member of the ILA?  
 [15] A: Yes.  
 [16] Q: What local?  
 [17] A: 800.  
 [18] Q: How long have you been a member of I.L.A.?  
 [19] A: Since 1989 or 1990 — '89, I think.  
 [20] Q: How is it that you happen to be a member of  
 [21] Local 800 as opposed to 805 or 799, if you know?  
 [22] A: From South Boston. My father was in 800.  
 [23] Q: Are you still a member of Local 800?  
 [24] A: Yes.

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[1] Q: Are you in a gang?  
 [2] A: Yes.  
 [3] Q: What gang are you in?  
 [4] A: Gang 8.  
 [5] Q: And how long have you been in Gang 8?  
 [6] A: Oh, a year and a half maybe. I don't know.  
 [7] Q: I take it prior to that you were in Gang 9?  
 [8] A: Yes.  
 [9] Q: And how long were you in Gang 9 — or do  
 [10] you recall when you moved into Gang 9?  
 [11] A: Do I recall when I moved into Gang 9?  
 [12] Q: Yes.  
 [13] A: Maybe two years ago, three years ago I was  
 [14] in Gang 9 shortly. Then I moved to Gang 8, because  
 [15] there was a temporary foreman position open.  
 [16] Q: Well, let's try it a different way. Do you  
 [17] remember the year in which you moved into Gang 8?  
 [18] A: 2005? It's a guess.  
 [19] MR. LENNON: Best memory.  
 [20] Q: That's your best recollection?  
 [21] A: I was there about a year and a half.  
 [22] Q: This is now May of 2006.  
 [23] A: So probably December 2004.  
 [24] Q: Okay.

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[1] A: On or about.  
 [2] Q: And how long were you in Gang 9, to your  
 [3] best recollection?  
 [4] A: About one year.  
 [5] Q: So you moved in there approximately late  
 [6] 2003?  
 [7] A: I think — no. Probably 2001, around  
 [8] there, or 2002.  
 [9] Q: Prior to that you were in Gang 10?  
 [10] A: Yes.  
 [11] Q: How long were you in Gang 10?  
 [12] A: One year.  
 [13] Q: Do you recall the calendar year that you  
 [14] moved into Gang 10?  
 [15] A: That would have been about 2002. I'm  
 [16] sorry. That would have probably been 2003 would  
 [17] have been Gang 9.  
 [18] Q: Okay. Prior to that you were in Gang 11?  
 [19] A: Yes.  
 [20] Q: How long were you in Gang 11?  
 [21] A: Almost two years.  
 [22] Q: So you moved into Gang 11 in the year 2000  
 [23] or thereabouts?  
 [24] A: Yes, 2000 or 2001. Right around there.

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[1] I'm not sure.  
 [2] Q: Were you in Gang 12 prior to that?  
 [3] A: Yes.  
 [4] Q: How long were you in Gang 12?  
 [5] A: I'm not sure.  
 [6] Q: Okay. Now, you have a law degree?  
 [7] A: Yes.  
 [8] Q: And have you ever practiced law?  
 [9] A: Yes.  
 [10] Q: Did you sit for a bar exam?  
 [11] A: I did.  
 [12] Q: What bar exam and when?  
 [13] A: I sat for Massachusetts in 1994 and New  
 [14] York in 1995.  
 [15] Q: Did you pass both?  
 [16] A: Yes.  
 [17] Q: Have you ever practiced in New York?  
 [18] A: I was never admitted. I passed it, but I  
 [19] never filled out the...  
 [20] Q: So you have not practiced in New York,  
 [21] then?  
 [22] A: No.  
 [23] Q: Have you practiced in Massachusetts?  
 [24] A: Yes.

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[1] Q: When is the last time you did any legal  
[2] work for compensation?  
[3] A: 2001.  
[4] Q: What time of the year?  
[5] A: I don't know.  
[6] Q: What was the nature of your practice while  
[7] you had it?  
[8] A: Criminal law.  
[9] Q: Were you associated with any law firm?  
[10] A: No.  
[11] Q: Self-employed?  
[12] A: Yes.  
[13] Q: Always self-employed?  
[14] A: Yes.  
[15] Q: Now, you brought with you today certain tax  
[16] returns, correct?  
[17] A: Yes.  
[18] Q: And correct me if I'm wrong, but in your  
[19] 2000 tax return, you have a Schedule C profit and  
[20] loss from business, that being an attorney, correct?  
[21] A: Yes.  
[22] Q: So you were practicing law during calendar  
[23] year 2000?  
[24] A: Yes.

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[1] Q: And you also brought with you your tax  
[2] return for calendar year 2001 —  
[3] A: Yes.  
[4] Q: — correct? And you also attached to that  
[5] a Schedule C showing a profit or loss from a  
[6] business, that being an attorney?  
[7] A: Yes.  
[8] Q: So during the calendar 2001, you were  
[9] indeed practicing law?  
[10] A: Yes.  
[11] Q: Okay. And if I'm accurate in the year  
[12] 2001, you were in Gang 11? That was your prior  
[13] testimony, was it not?  
[14] A: Can you repeat that?  
[15] Q: In the year 2001 and 2000, you were in  
[16] Gang 11?  
[17] MR. LENNON: The entirety of the year,  
[18] Scott?  
[19] Q: According to your prior testimony, sir,  
[20] didn't you testify that during 2000 and 2001 you  
[21] were in Gang 11?  
[22] A: I moved into Gang 11 from Gang 12 either in  
[23] 2000 or 2001. I'm not sure.  
[24] Q: Well, what kind of records would show

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[1] exactly when you moved into Gang 11?  
[2] A: Union records.  
[3] Q: Do you have any records that would show  
[4] that?  
[5] A: No.  
[6] Q: You brought along a tax return for the year  
[7] 2002, didn't you?  
[8] A: Yes.  
[9] Q: When you filed that, wasn't there a  
[10] Schedule C attached to that?  
[11] A: No.  
[12] Q: Why is that?  
[13] A: (Reviewing document) That's my complete  
[14] tax return there (indicating).  
[15] Q: Is it your testimony that you did not  
[16] complete a Schedule C for the year 2002 because you  
[17] were not practicing law?  
[18] A: This is my — I didn't have any legal  
[19] income in 2002.  
[20] Q: Did you have any legal expenses?  
[21] A: No.  
[22] Q: Were you advertising in the year 2002?  
[23] A: No.  
[24] Q: Were you listed in the lawyers diary in

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[1] 2002?  
[2] A: I don't know.  
[3] Q: Do you know whether or not you're still  
[4] listed in the lawyers diary?  
[5] A: I — I believe I am. Yes. I looked at it  
[6] today.  
[7] Q: Where is the last place you maintained an  
[8] office?  
[9] A: Granite Avenue in Milton.  
[10] Q: 500 Granite Avenue?  
[11] A: Yes.  
[12] Q: Did you lease an office from someone?  
[13] A: I paid rent month to month.  
[14] Q: To whom did you pay rent?  
[15] A: Cochran, Fitzgerald & Hennessy.  
[16] Q: And is that a law firm?  
[17] A: It's a — yes.  
[18] Q: And is it located at 50 Granite Avenue in  
[19] Milton?  
[20] A: No.  
[21] Q: Has it moved since you were last there?  
[22] A: No. It's 500 Granite.  
[23] Q: I'm sorry. It's located at 500 Granite?  
[24] A: Yes.



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[1] Q: What's your recollection as to when you  
[2] last had an office at 500 Granite in Milton?  
[3] A: 2001.  
[4] Q: And you brought today your 2003 tax return?  
[5] A: I did.  
[6] Q: Is that complete?  
[7] A: That is complete.  
[8] Q: And you did not file a Schedule C in 2003,  
[9] correct?  
[10] A: No.  
[11] Q: And you brought your 2004 tax return?  
[12] A: My attorney brought it, yes.  
[13] Q: Okay. And is that complete?  
[14] A: Yes.  
[15] Q: And it does not have a Schedule C?  
[16] A: No.  
[17] Q: And that's because you were not practicing  
[18] law —  
[19] A: I had no legal income in 2004.  
[20] Q: Did you have any legal expenses?  
[21] A: No.  
[22] Q: At any time since —  
[23] A: Excuse me. I paid for my Mass. Bar dues or  
[24] the BBO dues.

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[1] Q: And why have you done that?  
[2] A: To maintain my license.  
[3] Q: And why do you maintain your law license?  
[4] A: Because I paid a lot of money for it.  
[5] MR. LENNON: It's as good an answer as any.  
[6] Q: Do you have an intent to resume the  
[7] practice of law?  
[8] A: When my kids are — I have five kids that  
[9] are under seven. When they are older and full time  
[10] at school, I might try to become a judge if I can  
[11] get in.  
[12] Q: Well, without practicing law at any time  
[13] since 2001, you hope to become a judge in the  
[14] future?  
[15] MR. MAHONEY: Object to the form.  
[16] Q: You can still answer.  
[17] A: Yeah.  
[18] Q: Did you have to sign a pledge sheet that  
[19] you were working exclusively in the craft in order  
[20] to be a member of Gang 11?  
[21] A: Yes.  
[22] Q: Do you recall when you signed that?  
[23] A: No.  
[24] Q: Did anyone from the Rules Committee ever

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[1] investigate as to whether or not you were working  
[2] exclusively at the craft?  
[3] MR. LENNON: Objection. You can answer.  
[4] A: Did anyone ever investigate?  
[5] Q: Yes.  
[6] A: I provided a form that — I provided the  
[7] forms like everyone else.  
[8] Q: What form did you provide?  
[9] A: I provided taxes. And I think W. — Social  
[10] Security income.  
[11] Q: Did you provide everything you've provided  
[12] to me today?  
[13] MR. MAHONEY: Not these same documents.  
[14] A: Not the same documents, no.  
[15] Q: Okay, then. What did you provide?  
[16] A: I provided — what year? I'm sorry. I  
[17] can't remember. Can you repeat the question.  
[18] MR. LATHROP: Please read it back.  
[19] \*(Question read)  
[20] A: My best guess would be my 2002 Social  
[21] Security reports.  
[22] Q: You did not provide the Schedule Cs?  
[23] A: I didn't have any Schedule Cs. And I —  
[24] MR. LENNON: Wait for the question.

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[1] Q: Well, you had a Schedule C in the year  
[2] 2001, did you not?  
[3] A: I did.  
[4] Q: Did you provide that to the Rules  
[5] Committee?  
[6] A: No.  
[7] Q: Okay. Did you provide — looking at your  
[8] tax returns, did you provide any part of your tax  
[9] returns that you've produced today to the Rules  
[10] Committee at any point in time?  
[11] A: I think I gave my 2002 taxes when they  
[12] requested them to the business agent.  
[13] Q: Okay. Who requested them?  
[14] A: The Rules Committee. They put a list for  
[15] people in 2003 to provide their copy of their tax  
[16] returns for 2002.  
[17] Q: Did you see this list?  
[18] A: Yes.  
[19] Q: Can you describe the list?  
[20] MR. LENNON: Objection.  
[21] A: It was a list of all members in Gang 10 and  
[22] 11.  
[23] Q: You said your business agent gave you a  
[24] copy of this list?

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(1) A: No.  
 (2) Q: Who gave you a copy of the list?  
 (3) A: No one gave me a copy.  
 (4) Q: How did you see the list?  
 (5) A: It was posted on the wall.  
 (6) Q: But you gave your business agent a copy of  
 (7) your 2002 tax returns?  
 (8) A: Yeah. That was what was requested.  
 (9) Q: Who is your business agent?  
 (10) A: I gave them to a Pliny Bromley or Richie  
 (11) Flaherty or whoever was there at the time.  
 (12) Q: At any time prior to that had you been  
 (13) asked to show your tax returns?  
 (14) A: No.  
 (15) Q: I apologize if I asked this before. But at  
 (16) no time did you disclose to the Rules Committee your  
 (17) 2001 tax return?  
 (18) A: No.  
 (19) MR. LATHROP: I have nothing further.  
 (20) MR. LENNON: No questions.  
 (21) MR. MAHONEY: Is Mr. Lee released from the  
 (22) subpoena, Scott?  
 (23) MR. LATHROP: Oh, yes, yes. Those are the  
 (24) questions I wanted to get into.

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(1) MR. MAHONEY: I have no questions.  
 (2) MR. LENNON: You're all done.  
 (3) (Whereupon, the deposition was  
 (4) concluded at 1:04 p.m.)  
 (5)  
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## CERTIFICATE

(1) I, BRENDAN LEE, do hereby certify that I have  
 (2) read the foregoing transcript of my testimony, and  
 (3) further certify under the pains and penalties of  
 (4) perjury that said transcript (with/without)  
 (5) suggested corrections is a true and accurate record  
 (6) of said testimony.  
 (7)

(8) Dated at \_\_, this day of ,  
 (9) 2006.

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## COMMONWEALTH OF MASSACHUSETTS)

(1) SUFFOLK, SS.)

(2) I, Valerie L. Shand-Salama, Professional  
 (3) Shorthand Reporter and Notary Public in and for the  
 (4) Commonwealth of Massachusetts, do hereby certify  
 (5) that there came before me on the 9th day of May 2006  
 (6) at 12:43 p.m., the person hereinbefore named, who  
 (7) was by me duly sworn to testify to the truth and  
 (8) nothing but the truth of his knowledge touching and  
 (9) concerning the matters in controversy in this cause;  
 (10) that he was thereupon examined upon his oath, and  
 (11) his examination reduced to typewriting under my  
 (12) direction; and that the deposition is a true record  
 (13) of the testimony given by the witness.  
 (14)

(15) I further certify that I am neither attorney or  
 (16) counsel for, nor related to or employed by, any  
 (17) attorney or counsel employed by the parties hereto  
 (18) or financially interested in the action.

(19) In witness whereof, I have hereunto set my hand  
 (20) and affixed my notarial seal this day of May  
 (21) 2006.

(22) Notary Public

(23) My commission expires 12/15/2011  
 (24)